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REPORT

ON THE

ADMINISTRATION OF CIVIL JUSTICE

IN THE

PUNJAB AND ITS DEPENDENCIES,

DURING THE YEAR

1875.

Published by Authority.

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Proceedings of the Hon'ble the Lieutenant-Governor of the Punjab, in the Home Department, No. 2705, dated 9th August 1876.

No. 1,468.

FROM

G. SMYTH, ESQUIRE,

Officiating Registrar Chief Court, Punjab.

TO

LEPEL GRIFFIN, ESQUIRE,

Officiating Secretary to Government, Punjab.

Dated LAHORE, *the* 15*th June* 1876.

SIR,

I am directed to submit the prescribed statements and report on the administration of Civil Justice in the Punjab for the year 1875.

2. The report is arranged as follows :—

PART I.—ORIGINAL COURTS.

1. Institution of suits.
2. Disposal of original suits.
3. Miscellaneous suits.
4. Classification of suits.
5. Agency for disposing of suits
6. Value and cost of suits.
7. Execution of decrees.

PART II.—SMALL CAUSE COURTS.

PART III.—APPELLATE COURTS.

1. Deputy Commissioners' Courts
2. Commissioners' Courts.
3. Chief Court.

PART IV.—PROCEDURE.

PART I.—ORIGINAL COURTS.

1.—INSTITUTION OF SUITS.

No. of suits instituted.

3. The number of original suits instituted in all the Courts of the Province during the year, was 2,30,607 or one per cent. less than in the year preceding.

The largest decrease was in the Gurgaon and Jhelum Districts, *viz.* 22 5 and 21·5 per cent, respectively.

Decrease.

In Gurgaon, the decrease is attributed to want of rain in the beginning of the year and the consequent bad state of the crops, which kept back a large number of petty demands by making their recovery doubtful, and also to the subsequent heavy rains which destroyed an immense quantity of (petty personal) property. In Jhelum, the decrease is said to be due to the introduction of the revision of settlement, which department has taken up all cases connected with land and land tenures.

Causes of decrease.

4. The following districts also show a decrease above 10 per cent :—

Districts in which there was a decrease.

Ferozepore	17·2
Rohták	14·9
Siálkot	15·5
Bannu	12·3
Montgomery	11·2

5. The largest increase occurred in the Hazára District, where it was 90·4 per cent. In the year 1874 this district showed an increase of 14 per cent, which was attributed to the closing of settlement operations. The same cause is assigned this year also.

Increase.

6. Next to Hazára, the following districts stand high, *viz* :—

Districts in which there is an increase.

Muzaffargarh	34·9 per cent.
Sirsa	28·7 „
Dera Ghází Khan	25·6 „
Pesháwur	21·4 „
Mooltan	19·9 „

The causes assigned generally, are the establishment of new Courts, bad harvests and the closing of settlement operations.

Causes of increase.

2.—Disposal of suits.

7. Imperial Return No. 8 of the Appendix, shows the general result of trials of suits in the Province.

Including 12,176 suits pending from 1874, 4,419 re-admitted suits and 46 received by transfer, there were a total number for disposal of 2,47,248, being 235 more than the previous year.

Suits for disposal

8. Of the total number for disposal, 2,35,347 or 0·2 more than in the previous year, were disposed of during the year, leaving a total pending of 11,901.

Suits disposed of.

As remarked last year, it should be remembered that re-admitted cases are shown more than once in the disposals.

9. Of the 2,35,347 suits disposed of, 69,681 were disposed of without a decree, while in 1,65,666 decree was passed.

Contested and uncontested cases.

10. Of the 1,65,666 cases in which decree was passed, 80,388 were uncontested and 85,278 contested.

Thus, of the total litigation disposed of, 64 per cent was uncontested and 36 per cent contested. This proportion is exactly the same as in the previous year.

Proportion of contested suits where high and where low.

As noticed last year, the proportion of contested suits is always low in the Delhi Division, especially in the Gurgáon District, where it was 21 per cent. In the Moóltán Division, it averaged about 25 per cent. It is noticeably low in the districts of Muzaffargarh (17 per cent.) and Hissar (25 per cent).

11. In the following districts the proportion is highest :—

Ráwalpindi	49	per cent.
Gurdáspur	47	,,
Kángra	47	,,

Of the contested cases, 71·1 per cent were decided in favor of plaintiffs.

Further details of disposals.

12. The following per-centage table gives further details of disposal for each district of the Province, the figures of 1874 having been added for the sake of comparison.

1	2	3	4	5	6	7	8	9	10
		Per-centage of cases.					Contested and decided.		
District.	Year.	Dismissed on default.	Decided ex-parte.	Decided by confession.	By compromise, whether adjusted under Section 23, C. P. C.	By arbitration.	In favor of plaintiff.	In favor of defendant.	Per-centage of contested cases decided in favor of plaintiff to the number contested.
Delhi	1874	13	11	26	19	1·3	22	8	74
	1875	12	11	24	22	1·9	20	10	66
Gurgáon	1874	14	5	22	39	1·5	13	6	69
	1875	16	5	24	33	1·3	14	7	61
Karnál	1874	19	5	16	38	4·6	15	8	35
	1875	19	6	18	29	2·8	17	9	64
Hissár	1874	9	6	27	28	1·4	17	8	66
	1875	9	7	34	22	1·6	18	7	72
Rohtak	1874	8	5	15	34	2·0	25	9	73
	1875	7	7	18	28	1·8	27	10	72
Sirsá	1874	12	7	16	21	5·5	26	15	61
	1875	13	7	14	22	2·2	26	16	62
Umballa	1874	15	9	19	20	2·3	22	11	66
	1875	16	9	16	23	2·4	24	10	70
Ludhiana	1874	15	3	15	27	·7	23	14	62
	1875	15	5	17	25	·8	25	13	64
Simla	1874	7	16	19	10	1·5	35	9	79
	1875	8	16	18	9	1·5	37	9	79

1	2	3	4	5	6	7	8	9	10
		Per-centage of cases.					Contested and decided.		
District.	Year.	Dismissed on default.	Decided ex-parte.	Decided by confession.	By compromise, including adjustments under section 23, C. P. C.	By arbitration.	In favor of plaintiff.	In favor of defendant.	Per-centage of contested cases decided in favor of plaintiff to the number contested
Jullundur	1874	21	7	8	23	1·6	28	9	75
	1875	18	7	10	24	1·7	30	11	73
Hoshiárpur	1874	17	6	20	14	·9	29	11	72
	1875	19	6	18	13	·8	30	11	73
Kangra	1874	12	6	22	9	3·0	34	14	70
	1875	13	8	22	11	2·9	34	13	69
Amritsar	1874	26	5	13	16	1·4	25	11	68
	1875	23	5	15	17	1·2	27	12	69
Gurdáspur	1874	21	8	8	15	1·1	31	13	69
	1875	21	6	7	11	1·2	33	14	70
Siálkot	1874	21	10	17	21	1·9	23	6	77
	1875	20	12	18	18	1·1	22	6	78
Lahore	1874	16	10	14	24	1·8	28	9	68
	1875	15	12	13	25	·7	24	5	69
Ferozepore	1874	15	5	18	17	2·8	27	11	73
	1875	16	5	22	18	1·0	24	11	69
Gujránwála	1874	20	7	18	23	2·7	26	7	73
	1875	18	7	26	17	2·7	22	8	74
Rawalpindi	1874	10	10	14	14	2·2	36	12	74
	1875	12	7	14	15	2·7	37	12	75
Jhelam	1874	8	4	13	19	3·1	31	19	62
	1875	10	6	18	20	3·4	27	13	67
Gujrát	1874	24	3	14	23	4·1	21	11	64
	1875	21	4	15	23	4·0	21	11	66
Sháhpur	1874	12	6	29	20	1·4	19	10	60
	1875	13	7	27	20	·9	20	12	61
Mooltán	1874	13	6	26	22	2·5	20	9	69
	1875	15	7	24	24	1·6	20	8	71
Jhang	1874	19	8	9	30	·7	18	11	62
	1875	18	8	11	33	·9	19	6	73
Montgomery	1874	20	7	5	35	2·6	17	10	62
	1875	19	6	7	36	1·4	19	10	64
Muzaffargarh	1874	27	7	16	29	·7	11	6	66
	1875	25	6	19	28	·8	14	5	74
Dera Ismail Khan ...	1874	17	9	22	16	1·5	25	7	77
	1875	12	5	22	22	1·9	25	7	78
Dera Ghází Khán ...	1874	13	5	19	22	4·4	32	7	80
	1875	12	5	22	21	2·1	29	8	78
Banú	1874	30	5	12	23	4·0	30	13	69
	1875	10	7	17	17	3·9	28	15	64
Peshawar	1874	7	9	19	18	4·5	28	11	70
	1875	6	9	20	17	·9	28	13	68
Hézára	1874	19	7	16	22	4·3	21	6	77
	1875	21	5	11	16	3·8	31	12	72
Kohat	1874	10	8	15	22	...	30	11	73
	1875	8	5	21	21	·3	32	11	73
Average ...	1874	17	7	16	20	1·9	25	10	70
	1875	17	7	17	21	1·7	26	10	71

13. The proportion of cases decided by confession of judgment in the Province, is 17 per cent compared with 16 per cent in the preceding year; while the proportion of cases adjusted by mutual agreement (whether with or without a decree) is 21 per cent, being 1 per cent above the figures of 1874.

Cases decided by confession.

14. Under the other heads of disposal, specified in the table, the provincial per-centages remain unaltered.

Cases dismissed on default.

15. The proportion of cases dismissed on default is 17 per cent.

In 19 per cent of the cases thus disposed of, applications for re-admission were filed, and of these applications 79 per cent were granted. Altogether, of the cases dismissed on default, 14·6 were restored to the file and besides this, in 1·6 per cent of the cases, fresh suits were brought.

Proportion of cases dismissed on default where high.

16. The proportion of cases dismissed on default was high in the following districts *viz.* :—

Muzaffargarh	...	...	...	...	25 per cent.
Gujrat ...	...	...	...	...	24 „
Amritsar ...	...	...	...	...	23 „

Cases decided *ex parte*.

17. The provincial per-centage of cases decreed *ex-parte* is 7.

In 10·2 per cent of these cases, applications were made to set aside the decree, and of these applications, 69 per cent were granted. Altogether, of the cases decided *ex parte*, in 7 per cent were the decrees set aside.

Proportion of cases decided *ex parte* high in Simla

18. Simla, as usual, shows the largest proportion of cases decided *ex parte* which, as was explained last year, is to be accounted for by the exceptional character of the suits and litigants.

Pending file.

19. The pending file at close of the year was 11,901 cases, being 4·8 per cent of the number of suits for disposal. Of these, 129 cases were pending over 4 months.

Oldest case pending.

20. The oldest cases pending were instituted on January 22nd 1875 in Lahore, and May 6th 1875 in Jullundur; in the former instance the case is said to be a difficult one involving 2½ lakhs, hence a commission is issued and witnesses summoned: in the latter, the delay is said to be owing to the repeated transfer of the case from one Court to another.

21. The average duration of contested cases was 23 days and uncontested cases 17 days, or two days more than in the preceding year.

Average duration of contested cases.

22. In the following districts the duration of contested cases was high :—

Average duration of contested cases where high.

Amritsar	...	...	...	...	... 34 days.
Gujrát	...	...	...	...	... 34 "
Muzaffargarh	...	...	...	...	... 34 "
Sirsa	...	...	...	...	... 32 "
Gujránwála	...	...	...	...	... 32 "
Shahpur	...	...	...	...	... 32 "

In Muzaffargarh, the long duration is attributed, as last year, to the physical characteristics of the country, which render locomotion difficult, as well as to the heavy rains of last year; in Sirsa it is said to be on account of delay in the Court of Karim-ud-din, Tahsíldár, who had heavy irrigation work on hand; while in Gujrat the cause assigned is the frequent changes amongst the Munsifs, Tahsíldárs and Naib Tahsíldárs.

In Hoshiarpur, which shows the largest number of contested cases disposed of in the Province, the average of such suits is 30 days, or 7 days above the provincial average.

23. The number of plaints rejected or returned was 3,354 or 117 less than in 1874.

Plaints rejected or returned.

3.—Miscellaneous cases.

24. There were 544 applications under Act XXVII of 1860 for collection of debts on succession.

Cases under Act XXVII of 1860.

Of these, 112 were in Lahore and 75 in Delhi.

25. There were 128 cases under Acts XL of 1858 and IX of 1861, which relate to the custody of the persons and property of minors. These occurred chiefly in Hoshiarpur, Umballa, Peshawar and Lahore.

Cases under Acts XL of 1858 and IX of 1861.

26. 10 applications for probate and letters of administration were disposed of, out of which 6 were in Simla.

Probates and letters of administration.

27. Petitions for foreclosure or redemption of mortgage, under Sections 7 and 8 of Regulation XVII of 1806, numbered 151. Of these, 63 were in Hissar.

Petitions for foreclosure or redemption of mortgage.

4.—Classification of suits.

28. Imperial Return No. 6 of the Appendix, shows the number of each class of original suits disposed of by the various classes of tribunals of the Province during the year.

29. The annexed table shews the relative numbers of the principal classes of suits for the last 4 years.

	1872.	1873.	1874.	1875.
Suits for money due on registered bonds	9,035	9,639	11,688	10,946
Do. do. unregistered do.	68,319	68,297	69,684	71,498
Do. do. on unwritten promise	41,937	45,905	47,686	42,435
Do. do. on stated account	38,861	39,338	41,389	42,415
Do. do. paid or received	2,573	773	745	884
Do. for goods	6,277	5,785	6,087	5,943
Do. for breaches of contract	1,204	1,208	1,362	1,748
Do. for rent other than of land	2,259	2,135	2,469	2,669
Do. for recovery of personal property or value thereof	11,950	13,096	14,359	12,896
Do. for damages	2,814	2,511	2,417	2,254
Do. relating to marriage, &c.	3,830	3,180	3,590	3,532
Do. do. to inheritance	3,813	5,165	4,345	3,735
Do. do. to revenue	5,043	5,712	5,402	5,151
Do. do. to mortgages of immoveable property	2,722	3,154	3,757	3,670
Do. for partition of immoveable property	1,524	1,035	833	822
Rent suits not under the Punjab Tenancy Act	5,005	5,997	6,076	5,092
Suits under the Punjab Tenancy Act	2,465	1,863	2,140	2,651

30. About 9·8 per cent of the suits disposed of are suits connected with land.

31. The total number of suits for money due, which comprises the first six kinds of suits specified in the abstract, amounts to 1,73,224; this is 2·3 per cent below the number of the preceding year.

Suits for money due.

32. In suits on bonds registered, there has been a decrease of 6·2 per cent, whilst on bonds unregistered there has, on the contrary, been an increase of 2·3 per cent. Taking the two heads together, the increase comes to 7·6 per cent.

Suits on bonds.

33. The decrease in registered bonds is most noticeable in the Sialkot district, where it has fallen 46 per cent, whilst the increase in bonds unregistered is most conspicuous in the following districts, *viz* :—

Decrease in suits on bonds registered where most noticeable.

Jhelum	49 per cent.
Dera Ghazi Khan	39 ,,
Muzaffargarh	34 ,,

The Deputy Commissioner of Sialkot does not explain this in his report, though he remarks on the discovery of several cases wherein gross frauds had been perpetrated in connection with deeds filed in civil suits. In some of these, the offenders had been brought to justice and in others they were awaiting trial at the end of the year.

34. Suits of the next four classes are taken together for convenience, as suits for money due other than on bond, their separate classification being too minute for accuracy; these have decreased 6·2 per cent.

Suits for money other than on bond.

Suits for breaches of contract, not included in the forgoing, have increased 28·3 per cent.

35. There was an increase of 7 per cent in suits for recovery of personal property in 1874; this year there has been a decrease of 11 per cent.

Suits for recovery of personal property.

36. The number of suits for damages have decreased 1·3 per cent.

Suits for damages.

37. Suits to compel specific performance have decreased 47 per cent.

Suits for specific performance.

38. There were 3,532 suits relating to marriage, dower and divorce disposed of, compared with 3,587 in 1874, there being a decrease of 1·3 per cent. Of these suits in 1874, the Jullundur and Amritsar divisions showed 39 per cent; this year the per-centage is 37.

Suits connected with marriage.

Regarding the above class of suits, the Commissioner of the Hissar Division remarks :—

"There is no class of suits which is so unsatisfactory to the Courts, who, I venture to "think, can rarely feel perfectly satisfied that their decision is the right one, particularly in "betrothal cases."

"Mr. Brandreth has, I believe, proposed that there should be a register of betrothals and "marriages kept by the lambardar of every village. There could be no difficulty in starting "this, and I believe it would be so popular as not to require to be enforced by an Act."

Suits for inheritance.

39. Claims to right of inheritance have decreased 63 per cent.

Suits relating to mortgage.

40. Suits relating to mortgage of immovable property have decreased 13 per cent.

Suits under Punjab Tenancy Act.

41. There is an increase of 26 per cent in suits under the Punjab Tenancy Act.

Classes of suits in which increase was most noticeable.

42. The increase is most noticeable in suits by landlords for ejectment of tenants without right of occupancy, suits for enhancement of rent and suits by tenants for rights of occupancy.

Of the former class, Hoshiarpur shows 33 per cent and Gurdaspur 18 per cent.

Suits for enhancement of rent.

Suits for enhancement of rent were numerous in Amritsar 27 per cent, and Hazara 23 per cent.

Suits by tenants for rights of occupancy.

Suits by tenants for rights of occupancy increased 80 per cent in the Sirsa district. The per-centage of this class of suits for the entire Province was 22.

Suits by shop-keepers against agriculturists.

43. The number of suits brought by shop-keepers and bankers against agriculturists was 90,839, being 9·6 per cent above the figures of 1874. These suits constituted 39 per cent of the entire litigation disposed of and 51 per cent of suits for money due.

As in last year, Gujránwála stands highest for this class of suits; compared with 76 per cent in 1874, this year it shows 74 per cent.

The following districts shew above 50 per cent *viz* :—

Siálkot	69	per cent.
Muzaffargarh	67	"
Montgomery	64	"
Gurdaspur	58	"

The Deputy Commissioner of Montgomery remarks in his report on the prevalence of this class of suits, and suggests as a remedy, the grant by Government of takavi advances for the purchase of seed grain and plough bullocks.

The subject is not noticed by any of the Deputy Commissioners of the three other districts above mentioned.

5.—Agency for disposal of suits.

44. The following statement shows the manner in which the disposal of original suits was distributed among the various classes of Judicial officers, the per-centages of last year being added for comparison :—

Number.	Officers.	Original cases decided.			Average number of cases decided by officers of each grade.	
		Number in 1875.	Per-centages.			
			1874.	1875.	1874.	1875.
32	Deputy Commissioners ...	*282	0·1	0·1	10	9
20	Judicial Assistants ...	517	...	0·2	...	26
61	Assistant Commissioners ...	15,132	5·6	6·4	208	236
21	Extra Assistant Commissioners (Europeans) ...	5,049	2·8	2·1	324	240
80	Do. Do. (Natives) ...	36,330	18·3	15·4	537	454
120	Tahsildars ...	58,256	30·1	24·7	585	485
119	Naib Tahsildars ...	35,463	19·1	15·1	377	298
74	Munsiffs ...	34,021	...	14·4	...	460
49	Honorary Civil Judges ..	12,290	6·1	5·2	294	258
8	Judges of District Small Cause Courts ...	31,109	15·7	13·2	4,364	3,888
8	Do. Cantonment Do. ...	6,898	2·2	2·9	803	862
	Total ...	2,35,347	...	...	...	...

* Includes 1 case decided by Commissioner, Rawalpindi.

Division of work between European and Native agency.

45. The relative proportion in which suits are divided between European and native Judges remains about the same as last year,—25 p. c. of the suits being disposed of by the former, and 75 p. c. by the latter.

46. The number of suits actually disposed of by either class of officers has decreased, in the case of the former by 5 per cent, while in that of the latter, it has increased 2 per cent.

47. In the case of European Judges, the increase is only in the Courts of Assistant Commissioners and Cantonment Magistrates : in the former Courts, the increase was from 5·6 per cent to 6·4 per cent and in that of the latter, from 2·2 to 2·9 per cent. All the other European Courts showed varied reductions.

Courts presided over by native Judges.

48. All the native Courts show a decrease, the largest being in the Courts of Tahsildars and Naib Tahsildars, the former from 30·1 to 24·7 per cent and the latter from 19·1 to 15·1 per cent.

This is accounted for by the fact of 15 per cent of the entire work having been disposed of by Judicial Assistants and Munsiffs.

These two classes of Courts were established during the year, the former commencing work about the 1st October and the latter about the end of July. The quantity of work disposed of by them is creditable.

49. The average number of cases disposed of by each Assistant Commissioner is 236, whereas the number disposed of by each European Extra Assistant Commissioner is 240.

Native Extra Assistant Commissioners.

50. The average number of suits disposed of by each Native Extra Assistant Commissioner is 454, whilst the number disposed of by Tahsildars and Naib Tahsildars is 485 and 298 respectively.

Tahsil agency.

51. The provincial per-centage of work disposed of by tahsil agency is 40 per cent or 9 per cent less than in 1874. In the following districts it was unusually high :—

Hissar	·98	per cent.
Jhang	98	„
Dera Ismail Khan	98	„
Simla	97	„
Bannu	97	„
Rawalpindi	96	„
Jhelum	96	„
Shahpur	94	„

Honorary Civil Judges.

52. The average number of cases decided by each Honorary Civil Judge is 250 or 5·2 per cent. In 1874 the per-centage was 6·1 per cent.

The work of the Small Cause Courts will be noticed separately.

6.—Value and costs of suits.

53. Details connected with the value and costs of suits will be seen from the annexed statement.

Valuation of suits.	Suits relating to proprietary right in or occupancy of land assessed or subject to settlement.						Other suits.					
	Number of suits.	Aggregate value of suits.	Aggregate cost of suits.	Average value of suits.	Average cost of suits.	Per-centage of costs to value.	Number of suits.	Aggregate value of suits.	Aggregate cost of suits.	Average value of suits.	Average cost of suits.	Per-centage of costs to value.
Not exceeding Rs. 5	4,741	15,428	6,797	3 4 1	1 6 11	44·	29,463	1,05,576	25,147	3 9 1	... 13 7	23·7
Do. „ 20	6,895	83,229	15,705	12 1 2	2 4 5	17·6	75,767	9,23,763	1,29,092	12 3 1	1 11 3	12·9
Do. „ 100	6,087	2,84,414	34,771	46 11 7	5 11 4	12·9	77,734	34,33,252	3,69,183	44 2 8	4 11 11	10·7
Do. „ 500	1,850	8,45,106	37,431	186 0 1	20 3 9	10·8	20,617	36,95,213	3,53,404	179 3 8	17 2 3	9·7
Do. „ 1,000	194	1,32,532	11,990	683 2 5	61 13 2	9·	1,296	8,91,352	71,844	687 12 4	55 6 11	8·1
Do. „ 5,000	58	98,846	8,495	1,704 3 10	146 7 5	8·6	538	10,02,833	82,378	1,864 0 0	153 10 9	8·2
Do. „ 10,000	...	...	...	... ...	... ...	...	29	2,05,514	13,159	7,086 11 0	467 8 9	1·5
Do. „ 1,00,000	...	...	...	... ...	... ...	...	27	6,68,614	44,025	2,467 3 0	1,630 8 2	6·6
Exceeding „ 1,00,000	...	...	...	... ...	... ...	...	...	...	...	... ...	... ...	...
Total ...	19,825	9,59,555	1,15,189	48 6 5	5 12 11	12·	2,05,471	1,09,26,117	10,88,232	53 2 9	5 4 8	9.9
Suits for which the value cannot be fixed	624	...	8,524	... ...	13 10 6	...	2,081	...	21,210	... ...	10 3 1	...
GRAND TOTAL ...	20,449	9,59,555	1,23,713	48 6 5	6 0 9	12·	2,07,552	1,09,26,117	11,09,442	50 6 3	5 1 1	...

The value of suits arranged according to tribunals will be found in Imperial Return No. 7.

Cases re-admitted and disposed of a second time are excluded from this statement, which accounts for the difference in the number of suits disposed of, as compared with the number shown in the general statement of disposals.

Suits connected with land.

54. More than half, or 57 per cent, of the suits connected with land are of a value not exceeding Rs. 20. The average value of land suits has decreased from Rs. 54-12-8 to Rs. 47-11-1, whereas in 1874 there was an increase from Rs. 51-14-8 to 54-12-8.

Suits other than those connected with land.

55. Of other suits, or suits not connected with land, there were also 51 per cent not exceeding in value Rs. 20. These were disposed of at an average cost of Rs. 1-7-0.

The statement does not seem to call for any special remark.

7.—Execution of Decrees.

56. The subjoined statement shows the course and result of the execution of decrees for the several districts of the Province during the year. The total for 1874, is added for comparison.

Districts.	Total number of applications for execution.	Completely executed.	Partially executed.	Struck off.	Transferred.	Total number disposed of.	Per-centage of decrees completely executed to the number disposed of.	Value of decrees put in execution.	Amount realized. Voluntarily.	Amount realized. After execution of coercive processes.	Per-centage realized.
Delhi	5,939	1,155	2,695	1,479	318	5,647	22	5,54,517	23,680	1,23,817	26
Gurgáon... ...	1,852	711	624	299	51	1,685	42	2,20,788	2,525	37,312	18
Karnál	2,334	544	490	1,038	41	2,113	26	2,16,672	4,055	34,378	17
Hissár	1,729	444	436	700	46	1,626	27	1,26,835	3,706	30,220	26
Rohtak	2,043	695	736	332	36	1,799	39	1,07,903	5,153	39,386	41
Sirsa	1,095	297	186	458	31	972	30	1,17,073	12,641	15,066	24
Umballa	6,022	2,401	1,315	1,627	...	5,373	45	4,46,322	17,850	1,81,879	45
Ludhánah ...	6,308	1,751	1,870	2,094	...	5,715	30	2,78,051	18,029	71,215	32
Simla	2,158	617	414	978	76	2,080	29	1,46,809	9,054	60,991	40
Jullundur	11,052	2,586	3,080	4,015	144	9,825	26	6,43,177	26,776	1,46,550	27
Hoshiarpúr ...	11,358	2,815	2,889	4,617	...	10,321	27	5,39,036	17,245	1,65,774	31
Kángra... ...	2,860	1,319	555	727	...	2,601	50	1,38,659	9,195	36,978	33
Amrítsar ..	9,661	2,780	2,004	3,530	...	8,314	33	7,47,717	48,068	1,25,591	28
Gurdáspur ...	6,167	2,006	1,348	1,809	...	5,163	38	3,31,709	4,464	1,12,999	33
Siálkot ...	10,624	3,030	3,596	2,679	...	9,305	32	4,57,275	1,818	2,12,913	46
Lahore ...	10,851	2,592	3,070	4,267	101	10,030	25	5,74,931	26,795	1,14,119	31
Gujranwála ..	5,519	1,476	1,086	2,300	11	4,873	30	1,84,365	9,836	52,015	38
Ferozepore ...	4,987	1,142	1,388	1,659	2	4,186	27	2,26,040	15,827	48,944	28

District.	Total number of applications for execution.	Completely executed.	Partially executed.	Struck off.	Transferred.	Total number disposed of.	Per-centage of decrees completely executed to the number disposed of.	Value of decrees put in execution.	Amount realized. Voluntarily.	Amount realized. After execution of coercive processes.	Per-centage realized.
Rawalpindi ...	4,864	2,196	734	1,350	59	4,339	50	2,69,774	5,515	1,01,050	38
Jhelum	2,449	1,103	626	510	2	2,248	49	2,08,900	6,307	55,766	24
Gujrát	4,636	1,337	1,050	1,546	...	3,933	34	1,10,582	6,677	47,233	48
Sháhpur	3,210	828	510	1,515	...	2,853	29	1,82,759	8,086	37,281	24
Mooltán	1,827	644	441	586	...	1,671	38	1,70,207	16,815	50,175	39
Jhang	1,987	705	377	783	...	1,865	38	90,307	422	24,999	28
Montgomery ...	1,864	509	267	990	...	1,766	29	1,37,196	7,563	17,507	18
Muzaffargarh ...	1,848	630	197	809	2	1,638	38	95,249	2,404	26,346	30
Derah Ismail Khán ..	2,375	1,126	375	747	...	2,248	50	1,13,931	15,927	46,727	55
Derah Ghází Khan...	2,783	1,556	472	694	...	2,722	55	94,813	31,302	18,150	52
Bannu	1,434	963	178	197	...	1,338	71	54,180	6,509	31,782	70
Pesháwar	3,003	1,370	803	690	3	2,866	48	1,32,187	10,135	62,883	55
Hazára	1,613	705	257	409	...	1,371	51	45,543	8,812	25,995	76
Kohát	342	198	68	59	...	325	59	13,615	1,625	5,852	54
TOTAL ... 1875	1,36,854	12,031	34,122	45,486	930	1,22,571	34	77,77,122	3,85,426	21,94,917	33
TOTAL ... 1874	1,30,824	42,845	34,817	39,817	1,059	1,18,538	36	89,35,915	4,06,884	24,50,470	34

Imperial Return No. 10 gives the sum of this information arranged according to tribunals.

Applications for execution how disposed of.

57. There were 1,36,854 applications for execution of decree for disposal, of which 1,22,571 were disposed of as follows :—

Completely executed	...	...	34 per cent
Partially executed	...	...	27 „
Struck off without any execution		...	37 „

The per-centage of applications completely executed is 2 per cent less than in 1874 ; applications partially executed are also 2 per cent less than in the year preceding.

On the other hand, the per-centage of applications struck off has increased 14 per cent.

Districts in which proportion of applications completely executed was high

58. In the following districts, the per-centage of applications completely executed was 50 per cent and above :—

Kangra ...	...	50 per cent.	Dera Ghazi Khan ...		55 per cent.
Rawalpindi ...	...	50 „	Kohat ...	...	59 „
Dera Ismail Khan ...		50 „	Bannu ...	...	71 „
Hazara ...	...	51 „			

Several Deputy Commissioners report having strictly directed their subordinate Courts to dispose of their execution work before taking up original cases.

The Chief Court found it necessary, in January 1875, to issue a Book Circular enjoining that the disposal of execution of decree cases should be as carefully and punctually enforced as that of original suits.

The lowest proportion is in the Delhi district, *viz.*, 22 per cent.

Realizations.

59. The total amount for realization was Rs. 77,77,122 of which Rs. 25,80,343 or 33 per cent were realized. This realization is 3 per cent above the figures of 1874.

60. Of the amount realized, Rs. 3,85,426 were paid-in voluntarily, and Rs. 21,94,917 were realized by means of coercive process. The proportion realized voluntarily for the Province is 18 or 4 per cent above the realizations for 1874.

The highest per-centage of voluntary realizations was in the Hazara and Bannu Districts, *viz.*, 76 and 70 per cent respectively.

The lowest was in the Karnal district, being 17 per cent only.

Coercive processes, arrests and imprisonments.

61. There were 7,131 warrants of arrest issued and Rs. 1,45,892 realized thereby.

Of the persons for whom warrants of arrest were issued, about 834 were actually imprisoned, the remainder having paid the money immediately on their arrest.

The 834 persons who were imprisoned, were imprisoned for debts aggregating Rs. 1,19,498.

As mentioned in last year's report, the issue of warrants of arrest is most common in Delhi, Amritsar and Simla.

The greatest number of persons imprisoned was in :—

Amritsar	118
Delhi	71

Longest period a debtor has been in jail.

62. The longest period a debtor has been in jail is in the Gujrat district *viz.* 10 months and 17 days.

Next to Gujrat follow :—

	Months.	*Days.*
Peshawar	9	...
Muzaffargarh	6	...
Lahore	5	27
Jhelam	5	27

The provisions of Sections 273 and 280 are widely notified.

Attachment and sale of property.

63. In 59,429 cases, moveable property was attached, in 13,315 of which sale was carried into effect.

There were 6,111 attachments of immoveable property, and 1,699 sales. In 1874 such sales amounted to 5,965.

As remarked last year, far more is realized by attachments of property than by sale; thus by attachment of property, moveable and immoveable, Rs. 15,55,177 were realized, whereas by sales of property, moveable and immoveable, Rs. 4,86,770 only were realized.

64. 587 cases occurred under Sections 242 and 244, Act VIII of 1859, of arrangement between creditor and judgment-debtor by temporary alienation of land or similar means. Of these 221 were in Sialkot and 108 in Jullundur.

Average duration.

65. The average duration of execution of decree cases for the Province was 28 days or one day less than the previous year.

PART II.—SMALL CAUSE COURTS.

The following statement shews the business of the District Small Cause Courts during the year :—

1	2	3	4	5	6	7	8	9	10	11		12	13
	Number of cases on the file									Average duration of each case			
Courts.	Pending from last year	Instituted in 1875.	Re-admitted Secs. 119 and 119 Act VIII of 1859 and Sec 21 Act XI of 1865	Total.	Disposed of without decree.	Decreed without contest	Decreed with contest	Grand total disposed of.	Pending at end of year.	Contested	Uncontested.	Cases in column 3 brought by bankers and shop-keepers against agriculturists.	Number of cases in col. 9 disposed of without municipal limits.
Delhi	52	3,749	69	3,870	943	1,625	1,212	3 784	86	5	5	329	621
Simla	15	1,493	20	1,528	287	463	782	1,528		11	12	.	.
Ludhiana	65	2,305	48	2,418	558	990	834	2,382	36	13	9	467	1,608
Jullundur	154	4,330	42	4,526	1,591	1,401	1,521	4,513	13	12	11	2,798	3,514
Hushiarpur	280	4,203	131	4,614	1,216	1,835	1,418	4,469	145	18	18	2,717	3 636
Amritsar	253	6 371	167	6,791	2,397	2,068	2,086	6,551	240	18	14	1,011	3,640
Lahore	319	6 707	117	7,143	1,542	3,542	1,847	6,931	212	12	12	1,866	3,564
Peshawar	53	900	25	978	182	501	274	957	21	14	11	198	448
Total 1875	1,191	30,058	619	31,868	8 712	12,429	9,974	31,117	759	13	8	9,386	17,031
Total 1874	938	34,951	366	36 255	10,116	13,431	11,514	35,061	1,191	12	8	10,349	16,047

66. There is a marked decrease in institutions of nearly 16·3 per cent as compared with the preceding year.

Decrease in institutions.

With the exception of Amritsar and Lahore, decrease is apparent in all the other Courts, but chiefly in Jullundur, where it has decreased by 63·3 per cent.

Large decrease in Jullundur.

The cause of this falling off in the Province is owing to the jurisdiction of five of the eight Small Cause Courts having been restricted to municipal limits, on the introduction of the new scheme of Judicial Agency in September 1875, during the year.

Cause of decrease.

67. The total number of cases for disposal by Small Cause Courts, including those pending from 1874, was 31,868 of which number 31,115 were disposed of, leaving a balance of 753 pending at the close of the year.

Cases for disposal and disposed of.

68. Of the number disposed of, 9,974 or 32 per cent were contested.

Contested cases.

69. The provincial average duration of contested cases is 13 days.

Average duration in contested cases.

70. 31 per cent of the suits disposed of were brought by bankers or shopkeepers against agriculturists, the percentage in the previous year being 29.

Suits by bankers against agriculturists

This average, it is expected, will be considerably decreased in the following year, for since the end of the year under report, the jurisdiction of all Small Cause Courts has been restricted to municipal limits.

71. In 55 per cent of the total number of cases disposed of, the defendants resided outside municipal limits; these cases are now heard in the district Civil Courts.

Cases without Municipal limits.

72. The oldest pending case was in the Ludianah Court, having been instituted on the 10th November 1875.

Oldest pending case.

The following statement shows the work performed by Cantonment Small Cause Courts which differs but slightly from the previous year and no comment seems necessary.

Work of Cantonment Small Cause Courts.

1	2	3	4	5	6	7	8	9	10	11	12	13	14
	Number of cases on the file.										Average duration of each case.		
Courts.	Pending from last year.	Instituted in 1875.	Re-admitted under Secs. 110 and 119 Act VIII of 1859.	Received by transfer.	Total.	Disposed of without decree.	Decreed without contest.	Decreed with contest.	Grand total disposed of.	Pending at end of year.	Contested.	Uncontested.	General average duration.
Umbálla ...	23	1,638	29	...	1,685	511	769	402	1,682	3	10	5	7
Jullundur ..	8	451	5	...	464	128	175	133	436	28	19	61	40
Siálkot ..	12	905	...	...	917	251	498	145	894	23	9	4	6
Meeán Meer ...	10	746	5	...	761	60	415	284	759	2	7	7	7
Ferozepore ..	6	993	2	...	1,001	172	618	209	999	2	6	3	4
Ráwalpindi ..	54	686	...	...	740	177	280	281	738	2	19	17	18
Moóltán ...	2	498	1	...	501	121	263	117	501	...	11	4	8
Peshávur ...	13	897	11	...	921	175	468	246	889	32	8	7	7
Total ... 1875	128	6,809	53	...	6,990	1,595	3,486	1,817	6,898	92	11	13	10
Total ... 1874	77	6,431	48	...	6,556	1,425	3,179	1,821	6,428	128	11	7	8

PART III.—APPELLATE COURTS.

Appeals in Divisional and District Courts.

73. The following table gives the number of appeals preferred to the Courts of the Deputy Commissioners, (including Judicial Assistants) and Commissioners for each District of the Province.

Districts.	Original cases disposed of.	Appeals. To Deputy Commissioners.	Appeals. To Commissioners.	Appeals. Total.	Per-centage of appeals to cases disposed of.
Dehli	7,286	114	157	271	4
Gurgáon	2,882	133	93	226	9
Karnal	3,449	96	159	255	7
Hissár	2,749	123	54	177	6
Rohtak	2,494	258	77	335	13
Sirsa...	1,862	282	98	380	18
Umballa	10,985	423	391	814	7
Ludhiana	9,259	211	386	621	6
Simla	3,060	10	30	40	1
Jullundur	14,245	545	506	1,051	7
Hoshiarpur...	18,004	521	958	1,479	8
Kángra	6,249	269	131	400	6

DISTRICTS.	Original cases disposed of.	APPEALS.			Per centage of appeals to cases disposed of.
		To Deputy Commissioners.	To Commissioners.	TOTAL.	
Amritsar	15,366	369	591	958	6
Gurdaspur	12,677	454	521	975	7
Siálkot	17,564	384	383	767	4
Lahore	15,999	256	376	632	4
Gujránwála	9,481	297	197	497	5
Ferozepore	7,952	358	219	577	7
Rawalpindi	10,452	434	214	648	6
Jhelum	4,339	247	134	374	8
Gujrat	7,510	243	194	437	5
Shahpur	6,525	278	106	384	6
Mooltan	4,175	82	85	167	4
Jhang	5,092	82	54	136	2
Montgomery	3,413	96	57	153	4
Muzaffargarh	4,629	23	34	57	2
Dera Ismail Khán	6,708	111	53	164	2
Dera Ghazi Khan	6,897	108	70	178	2
Bannú	3,457	95	46	141	4
Peshawar	5,598	183	38	221	4
Hazára	4,004	98	32	130	3
Kohát	986	51	12	63	7
TOTAL ...	2,35,347	7,214	6,450	13,655	6

Next year the appellate work of Judicial Assistants will be shown separately in the above table.

74. Compared with last year, there was an increase of 8·2 per cent in the number of appeals instituted in the Courts of Deputy Commissioners. This increase might be attributed to the increase in the number of original suits.

Increase in institutions.

75. The proportion of appeals to cases disposed of was 6·5, compared with 5·5 in 1874.

Proportion of appeals to cases disposed of.

Deducting cases disposed of by Small Cause Courts and cases disposed of without contest, the number of original cases in which appeals would lie is reduced to 80,388 which is 8,695 or 12 per cent above the figures of 1874.

Deducting from Commissioners appeals (column 4), the number of appeals from orders passed in appeal by Deputy Commissioners (*viz.* 981), there remain

12,683 appeals from original decisions, being 6·3 per cent above the preceding year.

Proportion of appeals to original appealable decisions.

Thus the proportion of appeals from original appealable decisions is 15·7 per cent.

Increase in proportion of appeals to Deputy Commissioners and Commissioners.

76. The proportion of appeals to Deputy Commissioners has increased 8 per cent, whilst that of appeals to Commissioners, 6 per cent.

The proportion of appeals to cases disposed of was highest in the Sirsa and Rohtak districts.

1.—Appeals in Courts of Deputy Commissioners.

Appeals for disposal by Deputy Commissioners.

77. Including 437 appeals pending from 1874, 31 received by transfer and 7,243 instituted during the year, there were for disposal 7,711 appeals.

Of these, 7,214 were disposed of and 497 left pending at the end of the year.

How disposed of.

78. The disposals were as follows :—

Withdrawn or dismissed for default ...	522
Confirmed	4,483
Modified	597
Reversed	1,070
Remanded under Section 351, Act VIII of 1859	536
Transferred	6

Appeals disposed of without issue of notice.

79. Of the 4,483 cases in which the order of the Lower Court was confirmed, in 1,736 notice was not issued to the respondent.

In Sialkot and Kangra, the practice of disposing of an appeal without summoning the respondent, as provided in Section 7 Act IX of 1873, is almost entirely neglected, and in Dera Ghazi Khan, and Dera Ismail Khan it is seldom used.

On the other hand, in the following Districts, more than half the orders confirmed were confirmed without issuing notice to the respondents ;—

Umballa.
Julíundur.
Gurdáspur.
Rawálpindi.
Jhelum.
Gujrát.
Shahpur.

Per centage of reversals.

80. The provincial per-centage of orders reversed in all Deputy Commissioners' Courts is 14.

It is high in the districts of Hoshiarpur and Karnal, being 20 per cent.

Per-centage of cases remanded under Sec. 351.

81. The per-centage of cases remanded for re-trial under Section 351 has risen from 5·8 in 1874, to 7·4 in the year under report.

In the following districts, the proportion of cases so remanded is over 10 per cent :—

Hissár.
Ludhiána.
Rawalpindi.
Gujrat.
Mooltan.
Muzaffargarh.
Dera Ismail Khán.
Bannu.
Hazara.

Per-centage of cases remanded under Sec. 354.

82. The per-centage of cases remanded for further evidence under Sec. 354 was 4 per cent, compared with 11 per cent in the year preceding.

It was highest in the Gurdaspur district, being 28 per cent of the grand total disposed of.

Average duration.

83. The average duration of appeals for the Province was 23 days, or 4 days less than in 1874.

The highest average duration was in the Peshawar district, being 47 days.

In the other districts it is pretty evenly distributed.

In Amritsar, where the average duration in 1874 was 44 days, and in the year previous 87, it has this year been reduced to 25 days.

Value and cost of appeals.

84. The value and cost of appeals disposed of by Deputy Commissioners are shown in the subjoined table :—

Scale of valuation.	Number of appeals.	Aggregate value of appeals.	Aggregate cost of appeals.	Average value of appeals.			Average cost of appeals.			Percentage of costs to value.
Not exceedings Rupees 5	864	2,991	1,146	3	9	3	1	5	3	38·3
" " 20	2,423	30,528	4,717	12	9	7	1	15	2	15·4
" " 100	3,100	1,39,536	14,732	45	1	9	4	12	..	10·5
" " 500	709	1,04,396	9,300	147	3	10	13	1	10	8·9
Appeals of which no value can be fixed,	118	.	1,202	.	..	...	10	3	..	...
TOTAL ...	7,214	2,77,751	29,895	38	8	...	4	2	3	10·7

85. The greatest number of appeals are in suits of a value from Rs. 20 to 100. The average cost of these appeals was Rs. 4-12 each.

There were 118 appeals of which the value cannot be fixed. These were disposed of at a cost of Rs. 10-3 each.

Of the above class of appeals, there were 33 in Jullundur and the same number in Rawalpindi.

2.—APPEALS TO COMMISSIONERS.

The following table shows in detail the result of appeals to Courts of Commissioners:—

DIVISIONS.	Number of appeals for disposal.	Number disposed of	*Appeals withdrawn, transferred or struck off for default.*		*Confirmed.*		*Modified.*		*Reversed.*		*Remanded under Section 351.*	
			Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.
Delhi	509	409	50	12·2	220	53·8	1	0·2	95	23·2	43	10·5
Hissar	252	229	6	2·6	145	63·3	15	6·5	39	17·0	24	10·5
Umballa	1,076	801	52	6·5	561	70·0	15	1·9	133	16·6	40	5·0
Jullundur	1,975	1,595	92	5·8	1,109	69·5	75	4·7	233	14·6	86	5·4
Amritsar	1,868	1,435	78	5·2	969	64·8	109	7·3	272	18·2	67	4·5
Lahore	917	792	44	5·5	532	67·2	16	2·0	183	23·1	17	2·2
Rawalpindi	761	648	54	8·3	452	69·7	42	6·5	62	9·6	38	5·9
Multan	235	230	...	...	148	64·3	30	13·0	32	13·9	20	8·7
Derajat	173	169	5	3·0	127	75·1	15	8·9	20	11·8	2	1·2
Peshawar	94	82	1	1·2	55	67·1	4	4·9	15	18·3	7	8·5
TOTAL ...	7,860	6,450	382	5·9	4,318	66·9	322	5·0	1,084	16·8	344	5·4

86. Including pending from 1874, there were for disposal 7,860 appeals.

First and second appeals.

Of this number, 6,879 were from the orders of a Court of first instance and 981 from the orders passed in appeal by Deputy Commissioners and Judicial Assistants.

87. There were 924 cases confirmed *ex-parte*; of this number 464 were decided in default of appearance of respondent and 460 rejected under Section 7, Act IX of 1873.

Orders confirmed without issue of notice.

The other details of disposal are shewn in the above statement.

88. The average duration of appeals for all Commissioners' Courts is 74 days or 3 days less than in the previous year. This high average is chiefly due, as noticed in 1874, to the excessive time taken in the disposal of appeals in the Amritsar and Jullundur divisions where it was respectively 241 and 149 days. This is due to the civil appellate work of these two divisions being so heavy, and to the consequent accumulation of arrears. Additional Commissioners held office during the year and a good deal has been done to reduce the pending files, but until arrears are cleared off, much improvement cannot be looked for in the average of duration.

Average duration.

High duration in Amritsar and Jullundur.

The appointment of permanent Additional Commissioners for these divisions will it seems soon be unavoidable.

89. The pending file has been reduced from 1,999 in 1874 to 1,410 in the year under report; of the latter number, 753 cases were pending in the Amritsar and Jullundur divisions.

Pending file.

In Amritsar, there were 213 appeals pending over 4 months, in Jullundur 177 and in Umballa 116.

Appeals pending over 4 months.

The oldest case pending was instituted on the 2nd January 1875 in the Umballa Court.

The cause of the delay in this case is not given and explanation will be called for.

90. The value and cost of appeals in Commissioners' Courts will be seen from the annexed table :—

Value and cost of appeals.

Scale of valuation.	No. of appeals.	Aggregate value of appeals.	Aggregate cost of appeals.	Average value of appeals.	Average cost of appeals.	Per-centage of cost to value.
Not exceeding Rupees ... 5	441	1,484	1,160	3 5 10	2 10 1	78·2
" " ... 20	1,157	14,725	4,037	12 11 8	3 7 9	27·4
" " ... 100	2,802	1,48,777	28,649	53 1 7	10 3 7	19·2
" " ... 500	1,626	3 25,864	30,985	201 10 6	19 2 5	9·
" " ... 1,000	180	1,23,404	11 069	685 9 3	61 7 11	8·
" " .. 5,000	125	2,56,741	18,398	2,053 14 10	147 2 11	7·1
" " .. 10,000	7	56,604	2,114	8,086 4 7	302 0 0	3·7
" " ... 1,00,000	15	2,87,436	14,888	19,162 6 5	992 8 8	5·1
Appeals of which no value can be fixed,	96		549	... ...	5 11 6	..
TOTAL ..	6,450	12,15,035	1,11,853	188 11 2	17 5 11	9·2

3.—Appeals in Chief Court.

Institutions.

Regular and special appeals.

91. There were 1,801 appeals instituted in the Chief Court during the year, being an increase of 56 or 3·1 per cent over the preceding year. Of these, 563 were regular appeals and 1,238 special. The increase is entirely in the former class.

Appeals for disposal.

92. Including appeals pending from 1874, there were for disposal, 2,191 cases against 2,092 in the previous year.

How disposed of

These were disposed of as follows :—

Transferred	7
Dismissed on default	93
Rejected at preliminary hearing	817
Orders confirmed	564
Do. modified	22
Reversed	186
Remanded.	137

making a total of 1,826 or 6·5 per cent more than in the previous year. 365 were pending at the close of the year.

Of the total number disposed of (*viz.* 1,826), 28 were returned for further enquiry before disposal.

Pending file when high.

The pending file is generally higher at the close of the year than at any other time, and consequently is not a fair test of the working of the court. This is due to the increased number of institutions in the months of November and December on the re-opening of the Court after the vacation and to the difficulty in disposing of many cases owing to the shortness of the day and the number of holidays near the close of the year.

In August, before the commencement of the vacation, the number of Civil appeals pending was only 154.

Appeals in land cases.

93. Of the appeals disposed of, 662 were appeals in suits connected with land, being a little over 36 per cent of the entire number. The per-centage in the previous year was 33.

As in the preceding year, the largest number of appeals came from the Jullundur and Lahore Divisions.

Value of appeals.

94. The average value of appeals in suits, other than those connected with land, was Rs. 2,006 as compared with Rs. 163 in 1874.

This high average is chiefly due to one case, the value of which was Rs. 12,47,338.

When this case is excluded from the calculation, the average however is still high, being Rs. 326 or double that of the previous year.

The average value of appeals connected with land has also increased from Rs. 208 in 1874 to Rs. 226 in the year under report.

Average duration of appeals.

95. The average duration of civil appeals was 47 days.

Disposal of work other than appellate.

96. Besides the appellate work, the following cases and petitions were disposed of :—

Original cases	17
Cases under Section 35, Act XXIII of 1861 ...	152
Cases under Section 16, Act IV of 1866 ...	68
References from District and Cantonment Small Cause Courts, as well as District and Divisional Courts	22
Petitions for removal and transfer of suits and appeals	41
Miscellaneous cases and petitions	539
Total ...	839

Subject of Book Circulars issued during 1875.

97. Besides the foregoing, the Chief Court found it necessary to issue instructions in the form of Book Circulars, on the following subjects *viz* :—

I.—Instructions conveyed in Circular Memo No. 1 of 1874, regarding the execution of decrees, reiterated.

II.—Rules under Section 22 Act VI of 1874, (Privy Council Appeals Act) framed and issued by the Court.

III.—Rules prescribed for the custody and account of money paid into Court in execution of decrees.

IV.—Letter of Government of India, regarding investment of Judicial Deposits in Government Savings Banks, circulated for information and guidance of Courts.

V.—Civil Courts informed that *bonâ fide* charges incurred by a party to a suit in bringing up witnesses produced by himself are chargeable as costs in the case.

VI.—Rules of High Court, Calcutta, regarding the disposal of applications for certified copies of documents appertaining to the record of a Civil suit, adopted by the Chief Court, and promulgated for information and guidance of subordinate Courts.

VII.—Resolution of the Government of India, regarding the obliteration of adhesive stamps affixed to copies, certificates, and other similar documents, circulated for information and guidance, in supersession of Book Circular XII of 1874.

VIII.—Book Circular II of 1867, quoted as No. VII in the Volume of Judicial Circulars, withdrawn, and Courts directed to follow the procedure of Section 12, Act VIII of 1859, in cases relating to land or other immoveable property situated within the limits of different districts.

IX.—Rules laid down for obtaining renewal of Licenses by Pleaders and Mukhtars (Rule 6 Appendix V of Volume of Judicial Circulars superseded).

X.—Rules for the appointment, transfer, leave and removal of Munsifs prescribed by the Chief Court and approved of by Government, promulgated for general information.

PART IV.—PROCEDURE.

Summons for final disposal

98. Opinions on the question of the issue of summons for the final disposal of a case continue to vary as heretofore. It is, however, generally asserted that the practice is ill-adapted for suits against agriculturists.

Diet money to witnesses.

99. The practice of allowing diet money to witnesses is not uniform. In Amritsar the money is remitted with the summons, but the Commissioner disapproves of the plan and says he prefers the practice in operation at Gurdáspur of paying the expenses after the witness has appeared.

In Jhelum, parties citing witnesses are made to deposit the money with the application, which is paid to the witnesses in the presence of the Judge, whilst the practice prevailing at the head-quarters at Ráwalpindi is, that witnesses are usually dieted privately by the parties for whose benefit they are summoned.

Recording of evidence.

100. The provisions of Section 172, which require that all evidence shall be taken down in the handwriting of the Judge, do not appear to be so strictly followed by native Judges as could be wished. The Commis-

sioner of Amritsur, concurring with the Deputy Commissioner of Gurdáspur. is of opinion that this abuse of the law will continue until the Chief Court issue a special order prohibiting the employment of Court mohurrirs in taking down evidence.

This has already been sufficiently provided for in para. 21 Circular I of Smyth's Volume of Judicial Circulars, and the matter now rests in the hands of Commissioners and Deputy Commissioners, who, in supervising their subordinate Courts, should see that the instructions of the Court on this matter are strictly carried out.

Cause lists and notice of adjournments.

101. Cause lists are generally reported as being more carefully kept up, and notice of adjournment, and place of hearing correctly intimated to the parties.

The Commissioner Ráwalpindi Division, however, does not agree with the Deputy Commissioner, of Jhelum, in thinking that adjournments are not often given on frivolous grounds, and that some Courts do not always intimate to suitors the time and place of hearing. He says:—"A very careful Deputy Commissioner dis-"missed an appeal because the man was not present on the day fixed, at a place "60 miles away from the place where he expected the Court to sit."

The Deputy Commissioner, Ráwalpindi, is of opinion that adjournments are granted in native Judges' Courts on the most frivolous pretexts and that a contested case is seldom decided in less than half a dozen hearings. In tahsil Courts, he says, he has noticed very frequently adjournments granted owing to the absence of one of the parties. This practice, he remarks, has become so much the habit as to be almost the law.

Commission for local investigation and adjustment of accounts.

102. Several reports speak of improvement in regard to the issue of commissions for local investigation and examination of accounts, whilst others consider the law on the subject to be still abused. Thus, the Commissioner of Umbálla reports that he has tried to impress on District Courts the evil of endeavouring to shift their own burdens on the shoulders of others. He observes that, "if it is necessary for the due decision of a "dispute that a locality should be inspected, it is incumbent on the Court to use its "own eyes. And that weak Judicial Officers, who do not see what decision to pro-"nounce on the evidence which has been produced before them are inclined to escape "from their difficulties by making over the case to a Naib-Tahsildár or some still "lower official for investigation and report."

On this subject, it may be remarked that it may seldom be convenient for the judge to visit the locality in dispute, but nevertheless the practice of issuing commissions to subordinate native officials, giving them powers and opportunities for malpractices, which it is not intended that they should possess, and withdrawing them from their own legitimate duties, is open to very serious objection.

Supervision of lower Courts.

103. With regard to the supervision of the lower Courts by Commissioners and Deputy Commissioners, it is satisfactory to note that much improvement is visible, and that nearly all officers seem alive to the importance of it. The generality of officers report having adopted the practice of calling for a certain number of cases monthly from each Court and carefully examining them. By these means, irregularities as well as illegalities are frequently detected and pointed out for the guidance of the courts concerned. The District Monthly Statements No. I, too, are scrutinized, and cases which it is deemed desirable to inspect are also specially sent for and examined.

Cases referred to arbitration.

104. The tendency of parties to refer the subject of their disputes to the decison of arbitrators appears somewhat lessened. This is probably due to the greater attention paid by the Courts to the instructions issued to them to abstain from pressing the parties to resort to arbitration; thus in the year under report, only 3,929 cases were referred to arbitration compared with 4,235 in 1874. Greater care also appears to have been paid to the drawing up of issues in these cases.

105. The Annual Civil Reports of the several divisions were received on the following dates in this office, *viz* :—

Hissár	28th February 1876.
Ráwalpindi	2nd March 1876.
Umbálla	11th Do.
Peshávur	11th Do.
Lahore	16th Do.
Derájat	20th Do.
Mooltán	1st April 1876.
Amritsur	5th Do.
Delhi	6th Do.
Jullundhur	Not received.

106. Before closing this report, I must observe that its submission has been unavoidably delayed, owing to the non receipt in sufficient time of certain statements from the districts where they had been returned for correction and re-submission ; thus rendering it impossible for this office to compile the Provincial statements.

I have the honor to be,

Sir,

Your most obedient servant,

G. SMYTH,

Offg. Registrar, Chief Court, Punjab.

NO. 6.

IMPERIAL RETURNS.

STATEMENT OF ORIGINAL CIVIL SUITS.

IMPERIAL RETURN. No.

STATEMENT SHOWING THE NUMBER AND DESCRIPTION OF ORIGINAL CIVIL

YEAR

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
	MONEY DUE.									SUITS FOR DAMAGES.						
	On written promise for sum certain.															
COURTS.	Registered.	Unregistered.	On unwritten promise for sum certain.	On account stated.	For money paid or received.	For goods sold and delivered.	For breaches of contract not included in the above.	Suits for rent other than of land	Recovery of personal property or the value thereof.	For injuries to the person.	For injuries to property.	For defamation.	For other injuries not included in above.	Suits to compel specific performance of contract.	Suits to set aside contracts and obligations on account of fraud, mistake, or accident.	Suits to compel or prevent particular acts by way of *mandamus* or injunction.
Small Cause Courts ...	1,088	15,487	7,199	5,487	286	3,247	1,292	997	1,214	1	164	11	56	...	...	...
Unpaid Local Tribunals... (*Honorary Civil Judges.*)	473	3,836	2,540	2,409	111	289	30	130	683	4	61	25	10	7	1	1
Paid Sub-Divisional Tribunals (*Munsifs*) ...	1,795	13,116	6,851	7,680	117	295	39	204	1,878	6	105	21	43	22	1	...
Ditto ditto (*Tahsildars and Naib-Tahsildars*) ...	3,470	24,694	18,917	18,154	237	545	141	881	5,849	46	512	114	238	58	37	10
District Courts other than chief Courts of Districts, (*Asst. and Extra Asst. Commissioners.*) ...	4,064	14,196	6,859	8,249	116	655	236	449	3,102	68	367	202	184	139	91	41
Chief Courts of Districts (*Judicial Assistants.*)...	48	127	45	65	1	4	6	5	13	3	5	1	1	2	2	...
Ditto ditto (*Deputy Commissioners.*)	13	42	42	71	2	7	3	3	7	3	...	1	1	1	...	...
Superior Court of General Jurisdiction (*Chief Court.*)	...	...	...	...	14	1	1	...	...	...	...	1	...	...	...	...
Total ...	10,916	71,498	42,435	42,715	884	5,013	1,748	2,669	12,806	131	1,214	376	533	229	132	52

No. 6.

COURTS.	38	39	40	41	42	43	44	45	46	47	48
	CLAIM TO RIGHT OF PRE-EMPTION.			SUITS FOR PARTITION OF IMMOVABLE PROPERTY.				RENT SUITS, NOT BEING PANJAB TENANCY			
	Land only.	Other property.	Suits regarding the relative right of superior and inferior holder of land (other than rent suits).	Land only.	Other property.	Suits regarding boundaries.	Suits for, or relating to, real property, not included in the foregoing.	Suits to recover arrears of rent from tenants without right of occupancy.	Suits to recover arrears of rent from tenants with right of occupancy.	Suits regarding illegal exaction, duress, distraint, or demand.	Suits regarding accounts, &c., by or against agents, &c.
Small Cause Courts ...	...	...	...	...	...	...	...	...	...	...	...
Unpaid Local Tribunals ... (*Honorary Civil Judges.*)	8	9	29	18	14	13	201	60	14	...	...
Paid Sub-Divisional Tribunals. (*Munsifs.*) ...	14	4	20	12	12	9	217	111	28	2	...
Ditto ditto (*Tahsildars and Naib Tahsildars.*) ...	197	82	604	205	92	160	3,304	2,690	824	36	25
District Courts other than chief Courts of Districts (*Asst. and Extra Asst. Commissioners.*) ...	379	170	190	257	201	58	3,586	376	244	36	5
Chief Court of District (*Judicial Assistants.*)...	3	1	...	2	2	...	50	3	1	...	...
Ditto ditto (*Deputy Commissioners.*)	4	...	...	...	1	...	18	...	...	...	...
Superior Court of General Jurisdiction (*Chief Court.*)	...	...	...	...	...	...	...	...	...	...	...
Total ...	605	266	843	494	328	240	7,376	3,440	1,111	74	30

6.

SUITS DISPOSED OF IN THE DISTRICTS OF THE PUNJAB DURING THE 1875.

18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37
			Suits relating to Marriage, Dower and Divorce.							Claims to inheritance.								Suits relating to mortgage of immovable property.	
										Under Muhammadan Law.		Under Hindu Law.		Under any other Law.					
Suits to settle partnership and other accounts.	Suits connected with religion and caste.	Suits relating to administration of trusts and religious endowments.	Suits connected with betrothal.	Suits for custody of wives.	Others suits.	Suits to establish or dispute adoption.	Suits regarding custody and guardianship of infants and lunatics.	Other suits to establish or declare personal rights.	Suits to establish or contest wills.	Land only.	Other property.	Land only.	Other property.	Land only.	Other property.	Suits to establish or contest acts of Hindu widows.	Suits relating to the revenue.	Land only.	Other property.
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	..	...	...
4	...	3	107	22	18	...	1	1	...	3	5	12	7	60	...	...	...	137	39
21	...	4	72	10	10	...	...	3	2	1	8	5	4	40	14	...	230	52	182
124	12	6	329	14	28	10	2	67	4	238	83	94	35	978	406	10	3,328	1,105	333
285	...	22	978	1,687	210	41	17	284	18	371	88	246	200	697	264	7	1,590	1,148	536
4	...	...	4	23	3	1	...	...	2	3	4	2	1	...	1	...	2	25	8
3	...	1	6	13	3	1	...	2	...	3	4	...	3	2	2	...	1	3	2
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
391	12	37	1,491	1,769	272	53	20	357	20	619	142	362	150	1,775	687	17	5,151	2,470	1,200

concluded.

49	50	51	52	53	54	55	56	57	58	59	60	61	62
Suits under the Act.		Suits under the Punjab Tenancy Act.											
Suits to resume or assess land held exempt from revenue or rent.	Suits not included in columns 45 to 49, not being suits under the Punjab Tenancy Act.	Suits under Section 5 by tenants for right of occupancy.	Suits to establish right of occupancy under Section 8, on other grounds than those mentioned in the previous Sections of the Act.	Suits under Section 6, by landlord, for rebuttal of presumptive right of occupancy.	Suits under Sections 10 and 11 for enhancement of rent.	Suits under Section 14 for abatement of rent.	Suits for arrears of rent where remission is allowed under Section 15.	Suits under Section 18 to set aside award of division and apportionment of produce when for rent.	Suits under Section 19 by tenants for ejectment of landlords with rights of occupancy (Sec. 19, Clause 1.)	Suits under Section 19 by landlords for ejectment of tenants with rights of occupancy (Sec. 19, Clause 2.)	Suits under Section 20 by landlords for ejectment of tenants without right of occupancy.	Suits under Section 25 by tenants to contest notice of ejectment.	Suits under Section 26 by tenants on account of illegal ejectment.
...	...	...	...	...	...	...	...	...	...	...	...	...	...
16	...	1	...	...	2	...	...	1	...	...	6	...	3
...	...	30	29	...	1	...	...	...	5	...	14	...	5
15	354	384	60	61	188	17	5	13	47	6	277	88	70
12	39	200	77	87	289	1	2	6	42	27	352	36	124
...	...	3	...	...	...	1	...	...	...	...	...	...	25
...	1	...	...	...	...	...	...	...	...	...	...	...	...
...	...	...	...	...	...	...	...	...	...	...	...	...	...
43	394	684	166	148	480	19	7	20	94	33	649	124	227

No. 7.

SATEMENT SHOWING THE VALUE OF SUITS DISPOSED OF IN THE CIVIL COURTS OF THE PUNJAB DURING THE YEAR 1875.

1	2		3		4		5		6		7		8		9	10	
	Number of Suits Disposed of in Different Courts.																
VALUE OF SUITS.	Small Cause Courts.		Unpaid Local Tribunals (*Honorary Civil Judges.*)		Paid Sub-Divisional Tribunals (*Munsifs.*)		Paid Sub-divisional Tribunals (*Tahsildars and Naib-Tahsildars.*)		District Courts (other than chief Courts of Districts.) (*Assistant and Extra Assistant Commissioners.*)		Chief Courts of Districts (*Judicial Assistants.*)		Chief Courts of Districts (*Deputy Commissioners.*)		Chief Court of Province.	Total value of suits.	
	Land.	Other.	Land.	Other.	Land.	Other.	Land.	Other.	Land.	Other.	Land.	Other.	Land.	Other.		Land.	Other.
Not exceeding Rs. 5	...	6,070	128	1,551	121	4,477	2,816	14,265	1,668	73	6	13	2	14	...	15,429	98,620
Do. 20	...	14,583	204	4,680	184	11,845	3,896	33,503	2,443	9,632	11	57	4	42	...	80,829	8,54,612
Do. ... 100	...	13,516	177	4,473	146	12,412	3,022	33,585	2,699	18,754	86	132	11	61	1	2,86,414	35,01,860
Do. ... 500	...	3,251	44	798	35	2,804	477	4,205	1,276	9,634	22	113	8	35	4	3,45,116	36,96,363
Do. ... 1,000	...	...	1	9	...	...	6	100	184	1,126	5	38	1	21	6	1,32,533	97,767
Do. ... 5,000	...	...	...	...	...	...	...	...	54	492	...	18	3	27	3	98,846	10,08,433
Do. ... 10,000	...	...	...	...	...	...	...	...	...	26	...	1	...	2	...	...	1,91,945
Do. ... 1,00,000	...	...	...	...	...	...	...	...	...	...	...	1	...	24	1	...	7,13,296
Exceeding... 1,00,000	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...	...	1,90,000
Suits of which value cannot be fixed	...	2	...	23	2	2	83	78	329	1,354	15	30	...	12	2	...	...
Total	...	37,422	554	11,534	488	31,540	10,300	85,741	8,653	41,091	95	403	29	239	17	9,59,167	1,03,61,896

IMPERIAL RETURN.

No. 8.

STATEMENT SHOWING THE GENERAL RESULT OF THE TRIAL OF CIVIL SUITS IN THE COURTS OF ORIGINAL JURISDICTION IN THE PUNJAB DURING THE YEAR 1875.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
	Number of Cases on the File.				Disposed of without Decree.				Decree passed.												Average duration of suits.	
									Without contest.				With contest.									
Classes of Courts.	Suits remaining from last year.	Filed in 1875.	Received by transfer.	Total for disposal.	Transferred.	Dismissed for default.	Withdrawn with leave.	Adjusted by mutual agreement.	Compromised.	Decreed on confession.	Decreed *ex-parte*.	Dismissed *ex-parte*.	Judgment for plaintiff in whole or part.	Judgment for defendant.	Referred to arbitration.	Total disposed of.	Pending.	Over two months.	Over four months.	Plaints rejected or returned.	Contested.	Uncontested.
Small Cause Courts ...	1,343	36,827	551	38,721	17	6,023	158	4,129	5,274	6,566	3,988	82	8,612	3,158	217	38,007	714	1	...	275	12	10
Unpaid Local Tribunals (*Honorary Civil Judges*) ...	538	11,925	249	12,712	...	2,174	126	998	1,096	2,502	922	20	3,395	1,057	258	12,290	422	11	...	35	23	16
Paid Sub-Divisional Tribunals, (*Munsifs*)	...	38,333	486	38,819	...	5,342	399	4,370	3,555	6,859	2,480	152	8,181	2,683	425	34,021	4,798	57	3	607	20	13
Ditto ditto (*Tahsildárs & Naib Tahsildárs.*)	4,907	89,299	1,786	95,992	62	15,861	1,116	12,993	7,836	17,020	6,084	646	23,018	9,066	1,676	93,702	2,290	43	51	1,012	24	16
District Courts other than chief Courts of Districts (*Assistant and Extra Assistant Commissioners*) ...	5,358	53,269	1,375	60,002	99	10,080	954	4,585	3,484	7,445	3,787	392	17,163	8,522	1,353	56,511	3,491	134	69	1,499	30	23
Chief Court of Districts (*Judicial Assistant*) ...	1	684	8	693	...	63	6	32	30	57	26	5	204	94	8	517	176	5	6	1	39	69
Chief Courts of Districts (*Deputy Commissioners*) ...	26	*255	10	291	4	41	7	38	24	32	24	...	76	36	12	282	9	1	...	33	48	27
Supreme Court of General Jurisdiction (*Chief Court*) ...	3	15	...	18	...	2	2	...	...	...	...	...	10	3	...	17	1	...	1	...	109	32
Total ...	12,176	2,30,607	†4,465	2,47,248	182	39,586	2,768	27,145	21,299	40,481	17,311	1,297	60,659	24,619	3,949	2,35,347	11,901	252	130	2,462	23	17

* Includes one original case decided by Commissioner, Rawalpindi Division.

† Cases re-admitted under Section 119, Act VIII of 1859 have been included in column 4. Cases referred to arbitration (Column 16) have been included in columns, 14, 15 and 16.

IMPERIAL RETURN.

No. 9.

STATEMENT SHOWING THE BUSINESS OF THE CIVIL APPELLATE COURTS OF THE PUNJAB DURING THE YEAR 1875.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
	For disposal.						Heard ex-parte.			Contested.										
Class of Courts.	Remaining from last year.	Instituted.	Received by transfer.	Total.	Transferred.	Dismissed for default under Sections 5 or 6, Act XXIII of 1861.	Confirmed.	Modified.	Reversed.	Confirmed.	Modified.	Reversed.	Remanded.	Total disposed of.	Pending at end of year.	Over two months.	Over four months.	Average duration.	Objections under Section 348 of Act VIII of 1859.	Objections allowed.
Appellate Courts other than chief Courts of Districts (*Assistant Commissioners.*)	...	9	...	9	...	1	...	...	...	5	...	3	...	9	...	...	...	14	...	...
Chief appellate Courts of Districts, other than Deputy Commissioners (*Judicial Assistants.*)	...	1,470	10	1,480	...	86	258	4	7	452	81	115	147	1,150	330	4	1	14	...	...
Chief appellate Courts of Districts (*Deputy Commissioners.*)	437	5,764	21	6,222	6	436	1,469	41	28	2,295	471	920	389	6,055	167	35	12	23	1	1
Total ...	437	7,243	31	7,711	6	523	1,727	45	35	2,752	552	1,038	536	7,214	497	39	13	13	1	1
Superior Appellate Courts (*Commissioners*)	496	3,452	1	3,949	13	211	587	10	12	1,700	133	582	188	3,436	513	75	200	60	6	3
Superior Appellate Courts (*Addl. Commrs.*)	1,503	2,407	1	3,911	...	158	337	1	4	1,694	178	486	156	3,014	897	200	403	34	...	...
Total ...	1,999	5,859	2	7,860	13	369	924	11	16	3,394	311	1,068	344	6,450	1,410	275	603	53	6	3
Chief Court of the Province ... Regular	172	563	5	740	4	18	132	...	...	258	11	120	37	580	160	...	...	77	9	4
Chief Court of the Province ... Special	213	1,238	...	1,451	3	75	685	...	...	306	11	66	100	1,246	205	100	12	33	...	...
Total ...	385	1,801	5	2,191	7	93	817	...	...	564	22	186	137	1,826	365	100	12	47	9	4
Grand Total ...	2,821	14,903	38	17,762	26	985	3,468	56	51	6,710	885	2,292	1,017	15,490	2,272	414	628	...	16	8

IMPERIAL RETURN.

No. 10.

STATEMENT SHOWING THE EXECUTION OF DECREES OF THE CIVIL COURTS OF THE PUNJAB DURING THE YEAR, 1875.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
Class of Courts.	Applications to Execute Decrees.											Nature and number of coercive processes issued.					
													Movable property.		Immovable property.		
	Pending.	Filed.	Received by transfer.	Total.	Decrees completely executed.	Decrees partially executed.	Decrees in which there was no execution.	Transferred.	Total disposed of.	Pending.	Number of cases in which specific performance was enforced.	Arrest of person.	Attached.	Sold.	Attached.	Sold.	Orders under Section 243 of Act VIII of 1859.
Small Cause Courts	1,195	26,151	24	27,370	5,460	2,602	11,241	352	26,655	715	...	3,500	10,848	2,662	...	...	...
Unpaid Local Tribunals (*Honorary Civil Judges*)	585	5,019	3	5,607	2,103	1,210	1,618	3	4,934	673	31	76	2,472	535	677	108	4
Paid Sub-divisional Tribunals (*Munsiffs*)	50	11,080	129	11,259	2,886	2,050	3,019	6	7,961	3,298	1	295	4,597	932	293	96	7
Paid Sub-divisional Tribunals (*Tahsildars and Náib-Tahsildars*)	5,610	44,815	108	50,533	19,195	11,766	15,001	154	46,116	4,417	251	1,924	23,598	4,369	2,295	573	229
Districts Courts other than chief Courts of Districts (*Assistant and Extra Assistant Commissioners*) ...	4,880	36,293	277	41,450	12,210	9,403	14,399	401	36,413	5,037	597	1,298	17,765	4,781	2,812	911	347
Chief Courts of Districts other than Deputy Commissioners, (*Judicial Assistants*) ...	12	304	...	316	85	21	70	2	188	128	4	27	51	5	21	5	...
Chief Courts of Districts (*Deputy Commissioners*)	22	290	7	319	92	60	140	12	304	15	1	11	98	31	13	6	...
Total ... 1874	10,377	1,19,881	566	1,30,824	42,845	34,817	39,817	1,059	1,18,538	12,286	1,378	7,633	50,764	11,921	5,706	1,812	424
Total ... 1875	12,354	1,23,962	548	1,36,854	42,031	34,122	45,488	930	1,22,571	14,283	885	7,131	59,429	13,315	6,111	1,699	587

Proceedings of the Honorable the Lieutenant-Governor of the Punjab in the Home Department, No 2705, dated 9th August 1876.

READ—

Annual Report on Civil Justice for the year 1875, furnished by the Registrar of the Chief Court, and dated the 15th June Received in printed form on the 21st July 1876.

THE number of original suits instituted in all the courts of the Province during the year was 230,607, a very slight decrease on the number instituted during the previous year,—230,649,—the decrease being in the 3rd paragraph of the report inaccurately stated as 1 per cent.

2. As in the review of the year 1874, it may be interesting to note the statistics of litigation for the five years from 1871 :—

Year.	No. of Institutions.
1871	218,925
1872	217,956
1873	221,865
1874	230,649
1875	230,607

3. In the last review the causes which influenced the increase of suits from 1871 to 1874 were fully discussed, and there is no occasion to report the remarks which were then made. The Judges have not made any observations on the causes to which is attributable the check now apparent in the amount of litigation which may, in ordinary years, be expected to increase proportionally to the increase of population and the prosperity of the country. It is not improbable that the statistics of the past year may have been influenced, in the first place, by an unusually unhealthy season and the great prevalence of fever which, for some time in the autumn, virtually closed the civil courts in some districts; and in the second place, by the extensive floods and the damage caused by the excessive rainfall, which both occupied the people so as to prevent their attendance at the law courts and absorbed their savings, which might otherwise have been spent in litigation, in the repair or replacing of property destroyed or damaged.

4. The average duration of contested cases was 2 days more than in the preceding year, or 23 days; while several districts very much exceeded this average, notably Amritsar, Gujrát and Muzaffargarh. The Lieutenant-Governor understands that the practice of frequent postponement of the hearing of cases is carried to an unjustifiable extent in many of the subordinate courts, and to this point the attention of Commissioners and District Officers should be directed. The popularity of the courts depends so much upon the quick disposal of cases brought before them that it is not satisfactory to find the average of duration rising instead of diminishing.

The additional judicial agency which has been given to the province during the past year will, however, it is hoped, enable civil suits to be disposed of with more rapidity than hitherto.

5. During the year under review the Government of India have sanctioned what has long been urged by the Punjab Government,—a large increase in the judicial staff, and a partial separation between the judicial and executive services. Judicial Assistants, empowered to receive appeals from the subordinate courts, have been appointed in all the most heavily burdened districts, thus relieving Deputy Commissioners from a very onerous portion of their work. Munsiffs, purely judicial officers, have moreover been appointed in all sub-divisions of districts so as to set tahsildárs free for their executive duties; whilst naib tahsildárs have been retained almost exclusively for executive duties, their appointments being held more or less probationary; the approved members of the class rising to appointments in the judicial or executive line as tahsildárs, munsiffs or extra assistant commissioners. Although the judicial scheme, as sanctioned by the Government

of India, is, the Lieutenant-Governor believes, an immense improvement on the previous system, and as the liberality of the Government of India has enabled the judicial staff of the province to be much strengthened and its prospects to be much improved, His Honor still holds that the existing scheme will at some future time require to be in some particulars re-considered. The relief which it was hoped might be afforded to Commissioners of Divisions has not been gained. Their judicial work appears to be as onerous as before, and it has been found necessary to obtain from the Supreme Government sanction to the continued employment of Additional Commissioners in the Divisions of Amritsar, Jullundur and Delhi, where the progress of settlement operations in several districts under the control of the Commissioner threw upon that officer much additional work. The amount of separation of the judicial and executive services now sanctioned is probably as much as will for some time to come be desirable in the Punjab, where it may be expedient always to maintain the principal criminal functions in the hands of the Magistrate of the district, who without them would be deprived of what in the eyes of the native population is the most important part of his power and authority.

Although the new judicial agency scheme has defects which it would not be difficult to point out, as it is necessarily the result of a compromise, yet the Lieutenant-Governor considers that it is a matter of very great congratulation that the Supreme Government have made so generous a response to his representations, and he hopes that each year the result of the change will be seen in the improved efficiency of the courts and the greater satisfaction of the people in their decisions.

6. The details of the report for the present year do not seem to call for any very elaborate notice. A few points the Lieutenant-Governor desires to mention. The first of these is the increase of 26 per cent. in suits under the Punjab Tenancy Act, the greater proportion of the cases being brought by landlords against tenants without rights of occupancy for ejectment and suits for enhancement of rent by landlords, and suits by tenants for rights of occupancy. It is not quite clear how far the cessations of settlement operations and rent cases falling into the civil, in place of the revenue, courts have affected these statistics, but as the provisions of the Tenancy Act, and especially of the powers given under it for enhancement of rent, become more generally known it is to be expected, more especially in the present state of agricultural prosperity, that these classes of cases will increase.

7. The proportion in which suits were disposed of by Native and European officers is the same as last year,—25 per cent. being disposed of by English and 75 per cent. by Native officers. This proportion will in subsequent years be altogether altered by the changes in the distribution of work above alluded to, relieving executive officers and creating purely judicial appointments; so no further comment is required on a state of things which formed the principal inducement to the Lieutenant-Governor to press for the re-organization of the judicial agency.

8. The subject of the execution of decrees has often been commented upon by the Lieutenant-Governor in his annual reviews, and he has lately submitted certain proposals to the Government of India, which he trusts, if approved, may facilitate this most important part of judicial business.

It is with pleasure that His Honor observes that the proportion of decrees realized has increased by 3 per cent. since last year, but he is still unable to accept these figures as in any way approaching what should be attained.

The percentage realized on the value of decrees given this year is, 33 as against 30 per cent. last year. Of the applications for execution of decrees, 34 per cent. were completely executed, 27 per cent. partially executed, and 37 per cent. struck off without any execution. The Lieutenant-Governor presumes that the cases thus struck off were so struck off on the application of the judgment-creditor with whom the judgment-debtor had come to an agreement out of court.

Were these private arrangements included in the records of the courts, the percentage of realizations would no doubt be very much higher. The Lieutenant-Governor feels that it is unnecessary to press upon the judges of the Chief Court the necessity of rendering the execution of decrees as easy and prompt as possible, for they have devoted much time and attention to this very point, and their efforts are fully appreciated by the Lieutenant-Governor; but the question is one of the greatest importance, for it is little satisfaction to a litigant to have his case impartially heard and ably considered and even to obtain a decree for his rights, if he afterwards finds the difficulties almost insuperable in the realization of what the courts have declared to be justly his.

9. The work of the Courts of Small Causes is as usual large, though a decrease is shown owing to the restriction of the jurisdiction of five of the eight courts. Since the report of the Chief Court was written the jurisdiction of the Lahore, Delhi and Amritsar Courts has also been restricted to municipal limits; and this will reduce the number of cases instituted to a more reasonable amount. Hitherto, the number of cases instituted in these courts has been so great as to be beyond the power of any individual officer to dispose of properly.

Proposals for the more complete supervision of Small Cause Courts are now under the consideration of Government. There appears reason to believe that the freedom of these courts from the check of appeal requires to be circumscribed by the substitution of some more efficient system of control, than exists at present, by the district or divisional officers.

10. The appellate work of Deputy Commissioners and Commissioners appears to have been well done, and the average duration of appeals before the courts of the first named officers was 23 days, or 4 days less than in 1874; and in Commissioners', of 74 days, or 3 days less than in the previous year.

11. The high rate in the Commissioners' courts is due to the arrears in the Amritsar and Jullundur divisions, where the work, although Additional Commissioners have been appointed to relieve the divisional officers, is excessively heavy. If these two divisions be eliminated from the list, their average being respectively 241 and 149 days, His Honor considers the average for the remaining divisions of the province to be fairly good.

12. The work of the Chief Court shows an increase of 6½ per cent. in appeals over the previous year; and in conclusion the Lieutenant-Governor desires to express his sense of the great care which has been taken by the Judges in their supervision of the lower judicial courts, which has resulted in marked general improvement and which has induced Commissioners and District Officers themselves to supervise more closely the work of the courts subordinate to them.

ORDER.—Ordered that a copy of the foregoing remarks be furnished to the Registrar, Chief Court, for the information of the Judges and for circulation with the report.

Also that the remarks be published in the *Punjab Government Gazette.*

By order of the Honorable the Lieutenant-Governor of the Punjab,

LEPEL. GRIFFIN,

Officiating Secretary to Government, Punjab.